

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF NEW HAMPSHIRE

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ALFRED PILOTTE, through his Guardian  
THE OFFICE OF PUBLIC GUARDIAN  
VS NO: 21-CV-00749  
BERLIN POLICE DEPARTMENT

\*\*\*\*\*

DEPOSITION OF PHILIP PELLETIER

This Zoom deposition taken by agreement of  
counsel, on October 28, 2022, commencing at 2:21  
p.m.

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1 Q And how long have you lived there?  
 2 A From 2014.  
 3 Q Any plans to move in the next year or so?  
 4 A In the next year? Probably not.  
 5 Q I take it since you believed that this case  
 6 was over, at least your part was over, you  
 7 didn't notice until recently that the case was  
 8 still scheduled for trial in April of '23?  
 9 A You broke out a little bit. I think you asked  
 10 I didn't know it was scheduled for trial, and  
 11 the answer to that would be, no.  
 12 Q In addition to speaking to Mr. Carr, did you  
 13 review any documents to prepare for today?  
 14 A No, I don't have anything with me anymore to  
 15 review.  
 16 Q You understand that the deposition is  
 17 concerning a case brought by Mr. Pilotte who  
 18 alleges that you took images of him at the  
 19 Androscoggin Valley Hospital in January of  
 20 2019, correct?  
 21 A That is my understanding.  
 22 Q Do you still have any images of Mr. Pilotte on  
 23 your phone or any other device?

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1 A No, I do not.  
 2 Q Do you know anybody who has those images?  
 3 A No, I do not.  
 4 Q I am going back to sort of the background  
 5 section then.  
 6 Did you grow up here in New  
 7 Hampshire?  
 8 A Yes, I did.  
 9 Q High school in Berlin?  
 10 A Yes, I did.  
 11 Q What year did you graduate?  
 12 A 2007.  
 13 Q I understand you went into the Marines?  
 14 A Yes, I did.  
 15 Q Was that immediately after graduation from  
 16 high school?  
 17 A It was about a year after.  
 18 Q And in that year from 2007 to 2008, what did  
 19 you do?  
 20 A I was employed by Isaacs Construction and  
 21 Steel and waited for my son to be born.  
 22 Q And once he was born, that is when you went to  
 23 the Marines?

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1 A Correct.  
 2 Q And how long did you serve in the Marines?  
 3 A Four years.  
 4 Q Was that all full-time, or was any of that as  
 5 a reservist?  
 6 A All active duty.  
 7 Q Any deployments in that four-year period?  
 8 A Yes.  
 9 Q Where were you deployed, sir?  
 10 A I can't talk about one. I went to Afghanistan  
 11 and MEU, Marine Expedition Unit.  
 12 Q And your time in Afghanistan, was that in a  
 13 combat role?  
 14 A Yes, it was.  
 15 Q Did you receive any discipline while you were  
 16 in the Marine Corps?  
 17 A I don't see how that would be relevant to  
 18 this, but no, I did not.  
 19 Q I take it you got an honorable discharge?  
 20 A Yes, I did.  
 21 Q And when you finished active duty, did you  
 22 remain in reserves or have any other  
 23 commitments in the Marines?

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1 A Just inactive reserves, which you have to  
 2 update your information, and that is it.  
 3 Q And in the inactive reserves for a period of  
 4 time, you could be called back up?  
 5 A That's correct.  
 6 Q Is that still true today?  
 7 A No.  
 8 Q What are you doing now, sir, for employment?  
 9 A I am a lineman apprentice.  
 10 Q And who is that with?  
 11 A A 104 contractor, currently working for a  
 12 three-phase line company.  
 13 Q I think that cut off a little bit.  
 14 Did that just cut off for me or  
 15 everybody?  
 16 MR. CARR: I think it might just be  
 17 on your end with the connection.  
 18 THE WITNESS: I can move from here  
 19 into my office, if the connection stays  
 20 unstable.  
 21 Q I understand, Mr. Pelletier, that one of your  
 22 sisters works in law enforcement, or did at  
 23 one time as a dispatcher?

4 (Pages 10 to 13)

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1 A Yes.  
 2 Q Where did she work?  
 3 A She worked for Troop F State Police.  
 4 Q Are any of your other siblings in law  
 5 enforcement, or have they been?  
 6 A No.  
 7 Q Your father was also in law enforcement?  
 8 A Yes.  
 9 Q I understand he started at Berlin Police  
 10 Department?  
 11 A Yes.  
 12 Q And then went into the state police?  
 13 A Yes.  
 14 Q And eventually became the chief of police in  
 15 -- was it Groveton?  
 16 A Groveton, Northumberland, yes.  
 17 Q Is he still chief there?  
 18 A Yes, he is.  
 19 Q Did you ever talk to your dad about the  
 20 Pilotte incident?  
 21 A Of course, I have.  
 22 Q Did you talk to him about back, at the time  
 23 when you first learned that you were being

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1 investigated relative to it?  
 2 A Yes.  
 3 Q Did he give you any advice as to whether you  
 4 should contest the discipline or submit a  
 5 resignation?  
 6 A I am not comfortable answering that. We spoke  
 7 as father and son and not looking for answers  
 8 from a chief of police. I am not trying to be  
 9 rude. I am trying to be as up front with you  
 10 as possible.  
 11 Q I get to ask a lot of different questions at  
 12 the deposition. I am going to move on from  
 13 that one. I just want you to know I am not  
 14 going to move on from all of them.  
 15 A I understand.  
 16 Q If we get to points where we really disagree,  
 17 you know, eventually I would have to try to  
 18 seek to suspend the deposition, and we will go  
 19 from there. I don't think we are there yet.  
 20 Let me move on from that for the time being.  
 21 Tell me when you finished with the  
 22 Marines as active duty, what did you do?  
 23 A I came back and worked for a small security

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1 company and applied to police departments.  
 2 Q How long was it after you returned from active  
 3 duty before you landed a job in law  
 4 enforcement?  
 5 A Six months, I believe.  
 6 Q And who was it that you got that first job  
 7 with?  
 8 A Gorham, New Hampshire.  
 9 Q Can you give me the year that would have been?  
 10 A 2013.  
 11 Q Was that a full-time position or part-time?  
 12 A Full-time.  
 13 Q I am going to just try to move this over into  
 14 my office where the connection will be a  
 15 little bit better. Bear with me for a second  
 16 everyone as I make that move.  
 17 (Short recess.)  
 18 Q (By MR. CULLEN:) Thank you for your patience  
 19 there.  
 20 I missed your last answer, sir. Was  
 21 it part-time or full-time?  
 22 A Full-time.  
 23 Q Full-time?

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1 A Yes, sir.  
 2 Q And with respect to that position, I take it  
 3 you had to go to the academy?  
 4 A Yes, I did.  
 5 Q What was your graduation class at the academy?  
 6 A 163, 164. I don't remember.  
 7 Q Do you remember how long the academy was back  
 8 then? Was it 16, 17 weeks?  
 9 A 16 -- 14 or 16.  
 10 Q When you returned from the academy, did you go  
 11 through any additional training at Gorham?  
 12 A I don't think so. I believe my FTO period was  
 13 over.  
 14 Q You did your FTO before the academy?  
 15 A Yes.  
 16 Q How long was the FTO period?  
 17 A I don't know. From when I was hired until I  
 18 left for the academy, a couple months.  
 19 Q And what did that consist of?  
 20 A On-the-job training.  
 21 Q I take it you rode along with a more senior  
 22 officer?  
 23 A Yes.

5 (Pages 14 to 17)



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1 Q You went over the Gorham SOPs?  
 2 A Yes.  
 3 Q Did you have additional training in Gorham,  
 4 that you recall?  
 5 A I don't remember.  
 6 Q In 2014, I understand you became a special  
 7 enforcement officer with Berlin PD?  
 8 A I don't know what a special enforcement  
 9 officer would be. I didn't go to Berlin until  
 10 2015.  
 11 Q Let me just -- it is not a memory test. I  
 12 have some documents, let me see if I can pull  
 13 one of them and maybe it will help.  
 14 A I see it.  
 15 Q Are you seeing something that says Pelletier  
 16 Exhibit 1?  
 17 A Yes.  
 18 (Whereupon, the court reporter  
 19 marked Exhibit Number 1, Employee Status  
 20 Notification Form A, for Identification.)  
 21 Q Mr. Pelletier, looking at this Police  
 22 Standards and Training, there is a listing on  
 23 box 7 which is three down from the upper left

1 Mr. Pilotte?  
 2 A I don't recall.  
 3 Q I am going to try this again, another document  
 4 which has been marked as Exhibit 2.  
 5 (Whereupon, the court reporter  
 6 marked Exhibit Number 2, Employee Status  
 7 Notification Form B, for Identification.)  
 8 MR. CARR: I'd like to see how Becky  
 9 is getting down the record. You're doing the  
 10 robot voice again with the glitch, a little  
 11 bit.  
 12 For the most part, I think she is  
 13 able to get everything. If it is weird, I  
 14 will let you know.  
 15 Q Mr. Pelletier, showing you what has been  
 16 marked as Pelletier 2, this is an employee  
 17 status notification form B, and it records  
 18 that you have been assigned from a part-time  
 19 to a full-time position. It looks as though  
 20 it is effective from August of 2015.  
 21 Is that consistent with your memory  
 22 of when you joined Berlin full-time?  
 23 A Yes.

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1 that says special enforcement officer,  
 2 effective 7/1/14, which is box 6.  
 3 Does that refresh your recollection  
 4 as to whether maybe you took a part-time  
 5 position with Berlin for some period of time?  
 6 A Yes, I see the part-time box checked off. I  
 7 didn't realize I was on a list called special  
 8 enforcement. I thought that was like their  
 9 retired guys. I would have been just an  
 10 on-call part-time officer. That is how I  
 11 would have classified it. I am sorry.  
 12 Q Fair enough. With respect to that position,  
 13 what was your role with Berlin?  
 14 A If they couldn't fill a specific overtime  
 15 detail, they would open it up to other  
 16 officers, qualified to be able to fill it.  
 17 Q So you weren't doing patrols during that  
 18 period of time as a part-time officer with  
 19 Berlin? You were primarily covering details?  
 20 A Yes.  
 21 Q Do you recall if during that part-time period  
 22 before becoming a full-time officer with  
 23 Berlin, whether you had any encounters with

1 Q When you -- what brought that change from  
 2 Gorham to Berlin? What prompted you to make  
 3 that move?  
 4 A It was a better position for me at the time.  
 5 Q And was it better pay, better opportunity?  
 6 A It was a multiple amount of reasons like that.  
 7 Schedule, pay.  
 8 Q And when you joined Berlin, did you go through  
 9 any sort of abbreviate FTO period?  
 10 A Yes, I did.  
 11 Q Do you recall how long that was?  
 12 A I don't know. A couple weeks.  
 13 Q Do you remember was it just one person or was  
 14 it with multiple officers?  
 15 A I believe it was only with Nathan Roy.  
 16 Q What did the FTO period, that abbreviated  
 17 period, consist of?  
 18 A Learning Berlin, their SOPs and how they did  
 19 things.  
 20 Q And growing up there, I suppose you didn't  
 21 have to spend quite as much time learning the  
 22 streets, right?  
 23 A I knew where everything was. I just didn't

6 (Pages 18 to 21)



<p style="text-align: right;">Page 30</p> <p>1 Q In those -- are you able to estimate how many</p> <p>2 times you saw Mr. Pilotte up at the hospital</p> <p>3 prior to January of 2019?</p> <p>4 A I don't recall.</p> <p>5 Q Do you think it was more than a dozen?</p> <p>6 A I have no idea. That seems like a big number.</p> <p>7 Q With respect to the times that you did see him</p> <p>8 prior to 2019, what was his behavior like when</p> <p>9 you encountered him?</p> <p>10 A That was usually the same person when you are</p> <p>11 up there.</p> <p>12 Q What does that mean?</p> <p>13 A Nonresponsive. Doesn't want to talk to you or</p> <p>14 look at you.</p> <p>15 Q When you are there on a detail, what is your</p> <p>16 role? What are your responsibilities?</p> <p>17 A To keep the staff safe and then keep Alfred</p> <p>18 safe from himself.</p> <p>19 Q And what would you do to keep the staff safe?</p> <p>20 A I am there to make sure that nothing bad</p> <p>21 happens to him. Like if they have to give him</p> <p>22 medication, I would go and make sure Alfred is</p> <p>23 not yelling and not in physical contact with</p>	<p style="text-align: right;">Page 32</p> <p>1 taken any -- recorded images of Mr. Pilotte?</p> <p>2 A I don't remember.</p> <p>3 Q You indicated that Mr. Pilotte was generally</p> <p>4 acting the same way, or he was always himself</p> <p>5 in the way you saw him every time he was at</p> <p>6 the hospital.</p> <p>7 Did I characterize that right?</p> <p>8 A Can you repeat that?</p> <p>9 Q I am just trying to not get it wrong.</p> <p>10 You mentioned something that</p> <p>11 Mr. Pilotte was always the same when you saw</p> <p>12 him up at the hospital regardless of when it</p> <p>13 was when he was there for either revocation or</p> <p>14 an IEA, am I getting that right?</p> <p>15 A I mean, his general behavior, he doesn't</p> <p>16 interact, but inside that, he can be -- he can</p> <p>17 shout, and he can be quiet, sitting there.</p> <p>18 That is what I meant by his general behavior.</p> <p>19 Q I understand. He is not doing the same thing</p> <p>20 every single time, but the over-arching</p> <p>21 characteristics are similar?</p> <p>22 A Right, like he is obviously up there for a</p> <p>23 reason, and because he has violent tendencies,</p>
<p style="text-align: right;">Page 31</p> <p>1 them any more than he has to be.</p> <p>2 Q Do you remember any patients in which Alfred</p> <p>3 Pilotte assaulted anyone at the hospital in</p> <p>4 your presence?</p> <p>5 A Not in my presence.</p> <p>6 Q Were you aware of him doing that outside of</p> <p>7 your presence at any time?</p> <p>8 A Yes.</p> <p>9 Q What was that?</p> <p>10 A I think he has assaulted a few officers and a</p> <p>11 few staff members, but I don't know the names,</p> <p>12 I don't remember.</p> <p>13 Q But this would have been prior to 2019?</p> <p>14 A I don't remember if anything happened in 2019,</p> <p>15 but yes, prior.</p> <p>16 Q Do you recall any of the officers in</p> <p>17 particular who you had heard were assaulted by</p> <p>18 Mr. Pilotte at some point?</p> <p>19 A I don't remember who it was at this point.</p> <p>20 Q And the same question with regard to staff, do</p> <p>21 you remember anyone specifically on staff?</p> <p>22 A I don't remember.</p> <p>23 Q At any time prior to January of 2019, had you</p>	<p style="text-align: right;">Page 33</p> <p>1 which is why police have to be up there with</p> <p>2 him.</p> <p>3 Q Is the door locked to his room locked at any</p> <p>4 time?</p> <p>5 A Not that I am aware of.</p> <p>6 Q I assume that he is always on his own in the</p> <p>7 room as far as like there are no other</p> <p>8 patients with him at any time?</p> <p>9 A Correct.</p> <p>10 Q Do you recall any specific statements that</p> <p>11 Mr. Pilotte ever made to you prior to January</p> <p>12 of 2019?</p> <p>13 A No, I don't remember anything like that.</p> <p>14 Q Do you recall him ever calling you a Nazi or</p> <p>15 anything like that?</p> <p>16 A It wouldn't surprise me if he said that.</p> <p>17 Q Why wouldn't it surprise you?</p> <p>18 A Just kind of the way he speaks. I think he</p> <p>19 just sees things -- I don't know if this makes</p> <p>20 sense to you, just more old school, probably</p> <p>21 by the way the uniforms look. They are all</p> <p>22 black.</p> <p>23 Q Did any other officers talk to you about the</p>

<p style="text-align: right;">Page 58</p> <p>1 A Nothing has been filed.</p> <p>2 Q I am going to show you another document,</p> <p>3 Mr. Pelletier?</p> <p>4 A All right.</p> <p>5 Q I have marked as Exhibit 11, sir, an October</p> <p>6 6, 2020 letter from Chief Morency addressed to</p> <p>7 you.</p> <p>8 Do you have that in front of you?</p> <p>9 A Yes, I do.</p> <p>10 (Whereupon, the court reporter</p> <p>11 marked Exhibit Number 11, Letter from Morency</p> <p>12 to Pelletier, for Identification.)</p> <p>13 Q Do you recall getting this letter?</p> <p>14 A Vaguely. Yes, it looks familiar. I know what</p> <p>15 it is.</p> <p>16 Q Is it fair to characterize it as a notice that</p> <p>17 you are being placed on the EES list by the</p> <p>18 chief?</p> <p>19 A Yes, it is what it says.</p> <p>20 Q Do you know if today you are on that list?</p> <p>21 A I imagine once you are on, you can't get off.</p> <p>22 Q Have you taken any steps to challenge the --</p> <p>23 the last paragraph. Let me strike that.</p>	<p style="text-align: right;">Page 60</p> <p>1 A No, nothing.</p> <p>2 Q Did he give you any indication that he was</p> <p>3 aware that you were taking an image or images</p> <p>4 of him?</p> <p>5 A No.</p> <p>6 Q Do you recall Mr. Pilotte acting differently</p> <p>7 to you in any manner after the recording of an</p> <p>8 image or images of him?</p> <p>9 A No.</p> <p>10 Q In other words, from -- throughout January of</p> <p>11 2019, do you ever recall his behavior changing</p> <p>12 in any recognizable way towards you?</p> <p>13 A No, I don't remember, and I don't recall that.</p> <p>14 (Whereupon, the court reporter</p> <p>15 marked Exhibit Number 12, Buteau memo, for</p> <p>16 Identification.)</p> <p>17 Q Showing you this document, Mr. Pelletier,</p> <p>18 Exhibit 12 in this deposition, I wouldn't</p> <p>19 imagine you have seen this before, September</p> <p>20 15, 2020 e-mail from a woman Allison Vachon,</p> <p>21 V-A-C-H-O-N to Daniel Buteau, B-U-T-E-A-U,</p> <p>22 referring to a prior discipline regarding</p> <p>23 social media, and there is a reference in</p>
<p style="text-align: right;">Page 59</p> <p>1 The last paragraph of this indicates</p> <p>2 "Under section 4, I am giving you the</p> <p>3 opportunity to submit documentation for</p> <p>4 inclusion in your personnel file to indicate</p> <p>5 you are challenging the finding that the</p> <p>6 conduct is exculpatory if you so desire."</p> <p>7 Did you bring any sort of challenge</p> <p>8 to your listing at the EES?</p> <p>9 A No, I don't recall doing that.</p> <p>10 Q Have you been notified at any time that there</p> <p>11 is a process by which you can challenge your</p> <p>12 inclusion on the EES list?</p> <p>13 A I didn't really look it up. I thought it</p> <p>14 would be pointless.</p> <p>15 Q Other than the -- after the detail at which</p> <p>16 you took at least a video of Mr. Pilotte at</p> <p>17 Androscoggin Valley, did you do any other</p> <p>18 details Androscoggin Valley Hospital with</p> <p>19 Mr. Pilotte?</p> <p>20 A I don't remember.</p> <p>21 Q Do you recall, when you recorded an image or</p> <p>22 images of Mr. Pilotte, do you recall his</p> <p>23 reaction to you doing so?</p>	<p style="text-align: right;">Page 61</p> <p>1 handwritten notes that says, "Bill Daisey.</p> <p>2 Pic of him in ERT gear. 2016 or 2017</p> <p>3 Facebook."</p> <p>4 In reviewing that, do you have any</p> <p>5 recollection of getting disciplined or</p> <p>6 counseled from Attorney Daisey with respect to</p> <p>7 posting a picture of you in ERT gear?</p> <p>8 A He told me to take it down, and I did it, and</p> <p>9 that was it.</p> <p>10 Q Is ERT, is that emergency reactive response?</p> <p>11 A Emergency response team, yes, I believe that</p> <p>12 is what ERT stands for.</p> <p>13 Q Is that equivalent to what we would call SWAT?</p> <p>14 A Yes, yes.</p> <p>15 Q And do you remember the image that it was that</p> <p>16 Bill Daisey asked you to take down?</p> <p>17 A I don't.</p> <p>18 Q Do you remember anything else Bill Daisey</p> <p>19 talked to you about with respect to that</p> <p>20 image?</p> <p>21 A No.</p> <p>22 Q And do you remember if, in fact, you did post</p> <p>23 an image like that on Facebook?</p>



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1 way Mr. Pilotte treated them in the time prior  
2 to 2019?  
3 A I don't remember.  
4 Q Other than Mr. Pilotte, were there other  
5 people, and I don't need their names, were  
6 there other people that you did similar  
7 security details for at the hospital?  
8 A Yes. It would be for either someone violent  
9 or if the hospital staff couldn't watch, they  
10 would ask the PD. There are probably a couple  
11 of occasions of that.  
12 Q How did the details get assigned in January of  
13 2019? How did it come that you were up there  
14 working a detail?  
15 A If the time is available, you can sign up for  
16 it.  
17 Q What happens if nobody signs up for a slot?  
18 A You could get forced over or -- I believe they  
19 would -- if the shift had enough people, the  
20 shift could try and cover it.  
21 Q Do you remember if you were ever forced over?  
22 A I don't remember. Probably longer than I  
23 wanted to.

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1 Q Meaning your shift didn't really end because  
2 no one came in to relieve you?  
3 A Yes.  
4 Q If I am wrong when I try to characterize your  
5 testimony, please let me know. I am just  
6 trying to make sure I understand what I think  
7 you are saying. Okay?  
8 A No, no problem. I am trying to remember. It  
9 is a long time ago, especially questions prior  
10 to everything after that.  
11 Q So let's go to that January time frame itself.  
12 My records indicate that Mr. Pilotte  
13 was brought into the hospital on January 21 of  
14 2019, and I read your declaration in  
15 connection with your dismissal, and that  
16 indicates that the recording of images of  
17 Mr. Pilotte took place on January 22nd, 2019.  
18 Does that -- is that consistent with  
19 your memory of the events?  
20 A If that is -- if you had asked me before you  
21 just said that, I couldn't have told you the  
22 exact dates. I would have said the beginning  
23 of 2019. It is generally what I think.

1 Q Within the hospital, is the -- was  
2 Mr. Pilotte's room on a special ward or was  
3 it -- where was it?  
4 A No, it was right with everyone else.  
5 Q And is that -- is that along a hallway or one  
6 of these nurses' stations where there is a  
7 nursing station in the middle, and then there  
8 are rooms all around it?  
9 A It is like a longer hallway, like a T, kind  
10 of. The nursing station would be like at one  
11 of the crosses in the T. I know you can't see  
12 this. Just habit.  
13 Q Once you get there to take on your shift, or  
14 your detail, is there a chair outside the room  
15 that you sit in?  
16 A Yes.  
17 Q Any other items that are there for your  
18 benefit?  
19 A A table that I have a drink on or food.  
20 Q When you do get relieved, is there any sort of  
21 transfer or transition between you and the  
22 next officer?  
23 A Not that I remember. I would like to think he

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1 would just say if anything extravagant  
2 happened. If nothing, then nothing would  
3 happen.  
4 Q And the same thing when you come in, when you  
5 come in, the departing officer would let you  
6 know if something unusual happened but  
7 otherwise, just say, thanks.  
8 A Yes, pretty much.  
9 Q How frequently would the staff check on  
10 Mr. Pilotte during a shift?  
11 A I don't know.  
12 Q Are these four-hour shifts or eight-hour  
13 shifts, or how long were your shifts up there?  
14 A They could be -- I mean, whatever time slot is  
15 filled, they are available. Someone might do  
16 it after a shift and just do a couple hours  
17 in-between shifts or someone might use a whole  
18 day off and do one.  
19 Q I am going to show you another document in a  
20 second here and ask you a few questions about  
21 it.  
22 Mr. Pelletier, I should have in  
23 front of you an exhibit marked Pelletier 6,



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1 Q But you don't have a specific recollection of  
 2 Officer Imperial sending you images of anyone  
 3 that he had taken at the hospital?  
 4 A I don't remember.  
 5 Q Do you have any specific memories of any other  
 6 officer sending you images that they had  
 7 recorded at the hospital?  
 8 A I don't remember.  
 9 Q Back in 2019, did you also use the social  
 10 media platform Instagram?  
 11 A Yes.  
 12 Q Do you know whether or not you sent images of  
 13 Mr. Pilotte to anyone via Instagram?  
 14 A No, I do not.  
 15 Q Do you recall anybody responding to you when  
 16 you sent the image of Mr. Pilotte?  
 17 A No, I don't remember.  
 18 Q Officer Howry, is he someone you would have  
 19 considered yourself to be friends with back in  
 20 2019?  
 21 A Yes, we were friendly at work. I don't  
 22 remember ever hanging out with him outside of  
 23 work.

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1 Q Is he somebody that you would have sent an  
 2 image of Mr. Pilotte to?  
 3 A I don't think so.  
 4 Q And why wouldn't you think so?  
 5 A I just don't think I would have.  
 6 Q Is that because you weren't as close to him as  
 7 you were to Stapleton and Imperial and  
 8 Benjamin?  
 9 A Yes.  
 10 Q When did you first learn that someone at a  
 11 supervisory level had learned that you had  
 12 taken images of Mr. Pilotte and distributed  
 13 them to any single person?  
 14 A Stapleton told me.  
 15 Q And do you remember what he said to you?  
 16 A He said he had shown the image, the media, to  
 17 Officer Priest, and a few days later, Officer  
 18 Priest told him that he was going to report  
 19 it.  
 20 Q Did Stapleton say anything else at that time?  
 21 A No.  
 22 Q What did you say back to Stapleton when he  
 23 told you that?

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1 A I said, thanks for the heads up, and I will go  
 2 talk to my supervisor.  
 3 Q And who was it that you went to talk to?  
 4 A It was -- my supervisor at the time was Tim --  
 5 Lieutenant Godin.  
 6 Q G-O-D-I-N?  
 7 A Yes.  
 8 Q And do you remember what your conversation  
 9 with Lieutenant Godin was?  
 10 A We never had one. I had decided to wait until  
 11 he spoke to me, and he never did.  
 12 Q Who was the next person who you spoke with  
 13 about the incident?  
 14 A Lieutenant Theriault.  
 15 Q Did Lieutenant Theriault, did you give a  
 16 statement or an oral statement to Lieutenant  
 17 Theriault?  
 18 A No, how did that go? I had not heard anything  
 19 in a long time, and I had thought it was over,  
 20 and then I heard Lieutenant Theriault was  
 21 asking that question to someone about it. I  
 22 don't remember who, and so then I went and  
 23 spoke to him.

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1 Q And what did he say?  
 2 A He just said that he was asked to ask  
 3 information about it.  
 4 Q Did you speak to any of your fellow officers  
 5 about conversations that they had with  
 6 lieutenant Theriault?  
 7 A No.  
 8 Q I am sorry, I think that was no?  
 9 A No. Yes, it was no.  
 10 Q Thank you. Did you speak with an attorney at  
 11 any time during the investigation into your  
 12 conduct at Berlin?  
 13 A Not until after I had left the PD.  
 14 Q And how about a union rep, did you talk to a  
 15 union rep about the investigation that was  
 16 going on?  
 17 A Yes. He was present when I spoke to the  
 18 chief, I believe.  
 19 Q Do you recall who that was?  
 20 A Wade Goulet.  
 21 Q Was that Wade Goulet?  
 22 A Yes, Wade Goulet.  
 23 Q Was the deputy chief present during that

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1 conversation also?

2 A Yes.

3 Q The Deputy Chief Buteau?

4 A Yes.

5 Q When you went to speak with them -- let me

6 share a document with you again so that I am

7 not surprising you.

8 (Whereupon, the court reporter

9 marked Exhibit Number 7, Employee Status

10 Notification Form, for Identification.)

11 Q I will show you what has been marked as

12 Exhibit 7, Pelletier 7. It appears to be

13 another employee status notification form. It

14 has a date, effective date of change of April

15 11, 2019, and if I look down at the circle

16 that is dotted, it appears that it relates to

17 a 7-day suspension.

18 Do you see that?

19 A Yes, I do.

20 Q Do you remember when you were informed that

21 you were being suspended for 7 days?

22 A I don't.

23 Q Do you remember if it was in connection with

1 A Wade told me the day before I resigned.

2 Q Why did you decide to resign?

3 A He had recommended that I do it so that it

4 wasn't -- my understanding at the time, so

5 that it wasn't a resignation in lieu of

6 termination to help retain my certification.

7 Q In-between your resignation -- following your

8 resignation, did you apply for other law

9 enforcement jobs?

10 A No, but I was offered several.

11 Q Why did you not take them?

12 A I didn't want to go to a department with

13 anything over my head, if I wanted to make

14 sure that I went there ready to go and not

15 have something that they would have to go

16 through with me, I guess. Go there clean.

17 Q After you had resigned, what was still over

18 your head?

19 A Well, I was told that there was an external

20 investigation.

21 Q A potential criminal investigation?

22 A Yes, they sent the case to be looked at from a

23 different department.

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1 the investigation into your activities,

2 vis-a-vis Mr. Pilotte?

3 A Yes.

4 Q Do you know if you were on suspension at the

5 time that you met with the chief and deputy

6 chief and Mr. Goulet?

7 A No, I wasn't.

8 Q You were not at that time?

9 A No.

10 Q The same question with respect to the written

11 statement that you gave that was previously

12 marked as Exhibit 6.

13 Do you know if you turned that in to

14 the chief while you were suspended or prior to

15 being suspended?

16 A I believe it was prior to being suspended.

17 Q At some point, did you believe that the 7-day

18 suspension was going to be the full discipline

19 for your actions?

20 A Yes, I did not know what was coming up.

21 Q When, if ever, did the chief or someone else

22 inform you that they were going to recommend

23 you for termination?

1 Q Were you ever interviewed by another

2 department?

3 A No.

4 Q Were you ever interviewed by the Grafton

5 County Sheriff's Office?

6 A I spoke with several of their investigators

7 because it changed hands, I believe, but

8 nothing ever, formal interview. Basically

9 just updating.

10 Q When did you first learn about criminal

11 charges against you?

12 A I was in Idaho.

13 Q Working or on vacation?

14 A I was at school.

15 Q Was that school to be a lineman?

16 A Yes.

17 Q Were you represented by counsel in the

18 criminal matter?

19 A Yes.

20 Q And who was that?

21 A Oh, shoot, what is his name? Eric.

22 Q Eric Wilson?

23 A Yes, thank you, Eric Wilson.



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1 A If Bill says that we spoke. I don't remember  
 2 posting it on Facebook, but I mean obviously,  
 3 it is there. It was years ago.  
 4 Q Other than that instance in which Bill said  
 5 that he spoke with you, are there any other  
 6 times where you posted information or photos  
 7 of yourself on social media related to your  
 8 work?  
 9 A I don't remember.  
 10 Q Do you recall if Officer Imperial ever posted  
 11 images of himself on social media related to  
 12 his work?  
 13 A I don't remember. I would have to check his  
 14 profiles, I guess.  
 15 Q I am sorry, the answer was --  
 16 A I don't remember.  
 17 Q How about Stapleton, do you remember if  
 18 Stapleton ever posted anything related to his  
 19 work on social media sites?  
 20 A I don't remember.  
 21 Q The same question regarding Officer Howry, do  
 22 you recall him ever doing such a thing?  
 23 A I don't think that Officer Howry had anything

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1 beyond a flip phone.  
 2 Q And if I didn't ask already, how about Officer  
 3 Benjamin, do you recall him posting anything  
 4 on social media related to his work?  
 5 A I do not remember.  
 6 Q Do you remember anybody specifically posting  
 7 work-related images on social media?  
 8 A I don't. It has been a long time.  
 9 Q I understand.  
 10 A I am really trying to move on and until you  
 11 messaged me, I thought we had.  
 12 Q It sounds like the incident with Mr. Pilotte  
 13 in January 2019 was the only time you did  
 14 something like that.  
 15 Is that fair to say?  
 16 A I don't remember.  
 17 Q You don't remember anybody else doing  
 18 something similarly?  
 19 A No. Their actions are their actions. I don't  
 20 remember.  
 21 Q When did you first learn that you were named  
 22 in a lawsuit by Mr. Pilotte?  
 23 A I don't know. 2020, maybe it was like the

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1 first notification that it was possible.  
 2 Q Once you got a copy of the complaint, was that  
 3 actually served upon you in some manner? Did  
 4 the sheriff serve it? Did he show up at the  
 5 door?  
 6 A I don't remember.  
 7 Q When you did receive it, do you remember what  
 8 you did?  
 9 A No.  
 10 Q I know you had mentioned earlier, so I am  
 11 trying not to repeat myself, I think you  
 12 mentioned earlier, you thought about  
 13 contacting counsel, but you didn't do that  
 14 right away. At some stage, you contacted  
 15 Attorney Carr?  
 16 A I don't remember when we first spoke.  
 17 Q Do you remember if you reached out to him or  
 18 if he reached out to you?  
 19 A I don't remember.  
 20 Q Do you remember how many times you and  
 21 Attorney Carr spoke?  
 22 A We spoke on the phone. I think he had called  
 23 me. I don't remember if it was set up by

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1 e-mail first, and then we met in person once.  
 2 Q I am going to show you a copy of a declaration  
 3 that we received in this case.  
 4 Do you see that, sworn declaration  
 5 of Philip Pelletier, marked as Exhibit 13?  
 6 A Yes, I do.  
 7 (Whereupon, the court reporter  
 8 marked Exhibit Number 13, Sworn Declaration of  
 9 Philip Pelletier, for Identification.)  
 10 Q Did you prepare this, or did somebody prepare  
 11 this for you?  
 12 A I spoke it and Attorney Carr, Anthony, typed  
 13 it out.  
 14 Q For instance, in paragraph 1, I see it says,  
 15 and I am six lines down, you can probably see  
 16 my cursor "He also specifically went over New  
 17 Hampshire Rules of Professional Conduct Rule  
 18 4.3 with me."  
 19 I take it that is attorney writing,  
 20 not Phil Pelletier writing, right?  
 21 A Yes, he told me what that meant, what he put  
 22 that in there was to go over what he had spoke  
 23 about from the beginning.



<p style="text-align: right;">Page 70</p> <p>1 Q (By MR. CULLEN): I want to keep the 2 declaration up on the screen and ask you a few 3 questions about it. 4 In paragraph 4, you state that 5 "There was an attitude of resentment towards 6 Alfred, including, in part, his repeated 7 admission to the hospital on account of his 8 mental illness, which required most of us to 9 serve on these details even when he would be 10 there for weeks at a time." 11 Who specifically conveyed to you an 12 attitude of resentment towards Mr. Pilotte? 13 A Anyone who did the detail really. I mean, it 14 was -- I apologize for slouching. More just 15 the fact that he is up there constantly, and 16 when he is up there, there is no actual help 17 getting to him, because he is not in the State 18 Hospital. He is just being held, you know. 19 And because he is up there being held for 20 weeks at a time, it puts everyone in a bind to 21 have to fill all of that time slot up. 22 Q I believe Officer Stapleton, although it may 23 have been a Priest or someone else, I think it</p>	<p style="text-align: right;">Page 72</p> <p>1 inappropriate. I mean, you are up there, and 2 you have that feeling of -- what is the term 3 that you use -- it is not imputed knowledge. 4 That doesn't sound right, but because you are 5 all working up there in that environment, you 6 are exposed to it anyway. You are not 7 divulging anything that you can't already 8 divulge. Does that make sense? 9 I am not going to walk up to the 10 person on the street and talk to them about 11 something I just saw in the hospital the same 12 as you would. You are up there talking with 13 someone, and you both see something, you feel 14 like you can talk about it. 15 Q You telling a nurse what is going on in 16 Mr. Pilotte's room, wouldn't necessarily be 17 conveying to that nurse information that he or 18 she didn't already know firsthand, is that 19 what you are saying? 20 A Yes. 21 Q The paragraph goes on, and I will try, if you 22 can see my cursor, I was going to start with 23 this, there was also a general environment at</p>
<p style="text-align: right;">Page 71</p> <p>1 was Officer Stapleton testified earlier that 2 the frustration that he felt was directed 3 towards the system that didn't allow 4 Mr. Pilotte to get any real mental health 5 treatment during this time when he said he 6 would be waiting sometimes for weeks. 7 Was that a feeling that you shared? 8 A Yes. Sorry, I didn't wait for your question. 9 Q You did a good job. It was a long question. 10 Was that the real basis over the 11 frustration specifically with Mr. Pilotte 12 himself as an individual? 13 A He wasn't really a joy to be around. Beyond 14 that, that was pretty much it. 15 Q On paragraph 5, you write, "There was an 16 environment in PD, that it was okay to share 17 information among each other and/or closely 18 worked with staff at the hospital that was not 19 otherwise appropriate to share." 20 What examples do you have of 21 information being shared with officers that 22 wasn't appropriate? 23 A I guess you would have to define what is</p>	<p style="text-align: right;">Page 73</p> <p>1 the PD of being of the view that people like 2 Alfred who are going through the IEA process 3 have less rights than other citizens and that 4 also played a role in my thinking on January 5 22nd. 6 What do you mean by that? 7 A That he is not up there because he is sick and 8 is just waiting for the hospital to fix him. 9 He is up there because there is nowhere else 10 to put him. He can't be by himself, and IEA 11 by definition takes away your right of that. 12 So that's what I mean by lesser 13 rights. He is not a normal patient up there. 14 He is only there because the State Hospital 15 chooses not to accept him immediately, whether 16 by -- sorry, using my hands -- by space or 17 data list. 18 Q And going down that paragraph, at the last 19 sentence on this page, it reads, "For example, 20 in advance of the annual PD meeting, the 21 Berlin PD asks officers to submit funny body 22 cam moments and then display at the meeting 23 for people."</p>

<p style="text-align: right;">Page 74</p> <p>1 I am going to see if I can get to</p> <p>2 the next page here.</p> <p>3 I'll continue, "some of whom would</p> <p>4 never have otherwise had access to the footage</p> <p>5 and/or legitimate reason to do so."</p> <p>6 Do you remember any specific body</p> <p>7 cam moments that would fit into that category</p> <p>8 that you are describing here?</p> <p>9 A I don't remember anything specific that was</p> <p>10 shared, because at the time that is what they</p> <p>11 did.</p> <p>12 Q One of the officers testified that such</p> <p>13 moments included officers slipping on ice or</p> <p>14 officers confronting animals.</p> <p>15 Are those the type of video camera</p> <p>16 moments that you recall?</p> <p>17 A Yes, that would be included.</p> <p>18 Q What else would be included that you can</p> <p>19 remember?</p> <p>20 A I think there was a moment people shared a</p> <p>21 video when someone had, what is the polite</p> <p>22 word, defecated on city hall, because he was</p> <p>23 intoxicated. I believe that video got shared</p>	<p style="text-align: right;">Page 76</p> <p>1 Q So it appeared that he was showing up at</p> <p>2 police scenes, is that what was happening?</p> <p>3 A Yes, he was.</p> <p>4 Q And when you said you called him out on it,</p> <p>5 what specifically did you do?</p> <p>6 A He was driving up towards a scene I had just</p> <p>7 left. I don't remember what it was, but it</p> <p>8 was pretty serious, and I was not in a great</p> <p>9 mood about it, and I noticed him coming up,</p> <p>10 and I kind of pulled him over but from the</p> <p>11 front, and which is just like put my lights on</p> <p>12 and kind of got in his way so that he was</p> <p>13 stopped, and then I told him that he didn't</p> <p>14 need to be around, and he needed to just stay</p> <p>15 away from anywhere where we are working.</p> <p>16 Q Did Chapman have any other complaints against</p> <p>17 you?</p> <p>18 A I don't know.</p> <p>19 Q You didn't get into any trouble as a result of</p> <p>20 that complaint?</p> <p>21 A No. The chief told me that he spoke with his</p> <p>22 dad. I had actually worked with his father</p> <p>23 previously. I had a good relationship with</p>
<p style="text-align: right;">Page 75</p> <p>1 around the PD.</p> <p>2 Q Was that video of the -- was that video of the</p> <p>3 poop itself or was that video of the person</p> <p>4 taking -- doing the defecations?</p> <p>5 A It was the whole thing.</p> <p>6 Q And any other examples like that that you can</p> <p>7 remember, any other experiences like that that</p> <p>8 you remember?</p> <p>9 A I don't remember.</p> <p>10 Q You will be happy to know, this is close to</p> <p>11 the end of my questions on this document.</p> <p>12 There is a reference on this page to</p> <p>13 an incident involving Jessie Chapman. Who is</p> <p>14 Jessie Chapman?</p> <p>15 A Jessie Chapman, my opinion of him, he is a</p> <p>16 self-proclaimed like security guard per his</p> <p>17 father.</p> <p>18 Q What did he accuse you of?</p> <p>19 A He was upset, I thought he was like following</p> <p>20 around scanners, looking for police activity,</p> <p>21 and he would drive by, and I called him out on</p> <p>22 that one night, and he was upset that I did</p> <p>23 that.</p>	<p style="text-align: right;">Page 77</p> <p>1 him, and they said it was nothing.</p> <p>2 Q So the chief told you basically he followed up</p> <p>3 and that was the end of it?</p> <p>4 A Correct.</p> <p>5 Q Do you feel like you should have been</p> <p>6 disciplined for your conduct?</p> <p>7 A Absolutely not.</p> <p>8 MR. CULLEN: Those all the questions</p> <p>9 I have for you, Mr. Pelletier. I appreciate</p> <p>10 you coming in. I can't promise Anthony Carr</p> <p>11 doesn't have any. Those are all the ones I</p> <p>12 have at this time.</p> <p>13 THE WITNESS: We could have powered</p> <p>14 through.</p> <p>15 MR. CULLEN: Sorry, I had other</p> <p>16 questions, but since it appears you don't live</p> <p>17 in Florida and actually live in Manchester, I</p> <p>18 am not quite as concerned about finding you</p> <p>19 again.</p> <p>20 THE WITNESS: That doesn't comfort</p> <p>21 me, and I don't live in Manchester. My</p> <p>22 residence is in Berlin.</p> <p>23 MR. CULLEN: I apologize. Close</p>